

### Remarks

Reconsideration is requested in view of the above amendment and the following remarks. Claim 1 has been amended in the manner suggested by the Examiner to correct an informality. No new matter has been added. Claims 1-12 remain pending.

#### I. Claim objection

Claim 1 is objected to because of the use of the word "switches". Claim 1 has been amended to replace "switches" with "adjusts". Withdrawal of the objection is requested.

#### II. Claim rejections

Claims 1-2 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Aoki (JP 64-084458).

In addition, claim 3 is rejected under 35 USC 103(a) as being unpatentable over Aoki in view of US 5,581,531 to Ito et al.

In addition, claims 4-6 and 11 are rejected under 35 USC 103(a) as being unpatentable over Aoki and Ito et al. in view of US 5,796,683 to Sumi et al.

Applicants respectfully traverse these rejections.

Aoki discloses that a size of a light spot in a direction perpendicular to a track in a recording operation is larger than the size of the light spot in a reproducing operation. For example, Aoki discloses that data is recorded using the laser spot having an elliptical shape (see, e.g., page 2, lines 12-13 of the apparent English translation provided by the Examiner) and that data is played back using a circular laser spot having the same size diameter as a minor axis of the laser spot used to record (see, e.g., page 2, lines 16-19 of the apparent English translation provided by the Examiner). See also, e.g., page 6, lines 10-15 of the apparent English translation provided by the Examiner.

In contrast, claim 1 recites that the size  $d_2$  of the light spot in an information recording operation is smaller than a size  $d_1$  of a light spot in an information reproducing operation.

For at least this reason, Aoki does not anticipate claim 1. Claims 2-6, 10 and 11 depend from claim 1 and are patentable along with claim 1 and need not be separately distinguished. Applicants do not concede the correctness of the rejections to claims 2-6, 10, and 11. However, with respect to claims 2 and 10, the Examiner indicates that Aoki discloses liquid crystal for

generating a phase difference. The disclosure in Aoki referenced by the Examiner refers to means for allowing light intensity distribution to occur, and not to generating a phase difference.

The indication that claims 7-9 and 12 recite allowable subject matter is gratefully noted. Applicants believe that the remaining claims are allowable as well.

### III. Conclusion

Favorable reconsideration in the form of a Notice of Allowance is requested. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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